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5	Los Angeles, CA 90013
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7	BEFORE THE
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2011-94
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13	4101 E. 116th Street South Tulsa, Oklahoma 74137
14	Registered Nurse License No. 433683
15	Respondent.
15 16	Respondent.
	Respondent. Complainant alleges:
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16 17	Complainant alleges:
16 17 18	Complainant alleges: <u>PARTIES</u>
16 17 18 19	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her
16 17 18 19 20	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
16 17 18 19 20 21	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
16 17 18 19 20 21 22	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs. 2. On or about October 31, 1988, the Board issued Registered Nurse License Number
16 17 18 19 20 21 22 23	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs. 2. On or about October 31, 1988, the Board issued Registered Nurse License Number 433683 to Patricia M. Beal ("Respondent"). The Registered Nurse License expired on April 30,
16 17 18 19 20 21 22 23 24	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs. 2. On or about October 31, 1988, the Board issued Registered Nurse License Number 433683 to Patricia M. Beal ("Respondent"). The Registered Nurse License expired on April 30, 2010 and has not been renewed.
16 17 18 19 20 21 22 23 24 25	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs. 2. On or about October 31, 1988, the Board issued Registered Nurse License Number 433683 to Patricia M. Beal ("Respondent"). The Registered Nurse License expired on April 30, 2010 and has not been renewed.
16 17 18 19 20 21 22 23 24 25 26	Complainant alleges: PARTIES 1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs. 2. On or about October 31, 1988, the Board issued Registered Nurse License Number 433683 to Patricia M. Beal ("Respondent"). The Registered Nurse License expired on April 30, 2010 and has not been renewed.

JURISDICTION AND STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Oklahoma Board of Nursing)

- 7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Oklahoma Board of Nursing ("Oklahoma Board"), as follows:
- 8. On or about November 15, 2000 pursuant to a Consent Order in the disciplinary action entitled *In the Matter of Patricia Martin Beal, R.N. License No. R0036869*, Respondent agreed to surrender her Oklahoma license, agreed to refrain from applying for reinstatement of her license for one year, and agreed to be placed upon probation if her license were reinstated.
- 9. The basis for the Oklahoma Board's November 15, 2000 disciplinary action was given in a Complaint filed on September 8, 2000. The Complaint alleged Respondent had engaged in unprofessional conduct and taken actions that jeopardized patients' lives, health, or safety as follows:
 - a. From approximately January 1998 to June 2000 Respondent was employed as a registered nurse by Dr. Scott E. Gilbert in Tulsa, Oklahoma.
 - b. During her employment by Dr. Gilbert, Respondent performed surgery on patients, administered anesthesia, and administered medications and treatments without a physician's orders, exceeding the scope of a registered nurse's practice.
 - c. During her employment by Dr. Gilbert, Respondent simultaneously scrubbed, circulated, and monitored surgery patients, accepting inappropriate delegation of nursing functions.
 - d. On or about June 12, 1999 to June 23, 1999, while employed by Dr. Gilbert, Respondent directed office personnel to falsify a patient's records.
- 10. Sometime between November 15, 2000 and January 2003, Respondent applied for reinstatement of her Oklahoma license. She was then placed on probation, subject to the terms of the November 15, 2000 Consent decree. This probation continued until at least January 2005.

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1	11. Under Code Section 2761, subdivision (a)(4), the revocation of Respondent's nursing
2	license by the Oklahoma Board in November 2000 is grounds for the California Board to take
3	disciplinary action.
4	SECOND CAUSE FOR DISCIPLINE
5	(Unprofessional Conduct)
6	15. By committing the acts set forth in paragraphs 7-11, above, Respondent is subject to
7	discipline under Code section 2761 subdivision (a) on the grounds of unprofessional conduct.
8	PRAYER
9	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10	and that following the hearing, the Board of Registered Nursing issue a decision:
11	1. Revoking or suspending Registered Nurse License Number 433683, issued to Patricia
12	M. Beal;
13	2. Ordering Patricia M. Beal to pay the Board of Registered Nursing the reasonable
14	costs of the investigation and enforcement of this case, pursuant to Business and Professions
15	Code Section 125.3; and,
16	3. Taking such other and further action as deemed necessary and proper.
17	Demon Description Ances Benear
18	DATED: August 6, 2010 Haw benn /LOUISE R. BAILEY, M.E.D., RN Interim Executive Officer
19	Board of Registered Nursing
20	Department of Consumer Affairs State of California
21	Complainant LA2009602648
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